

UNITED STATES DISTRICT COURT  
for the

## Western District of North Carolina

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.     GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 53 months is reduced to 43 months.

#### **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 27 Amended Offense Level: 25  
Criminal History Category: II Criminal History Category: II  
Previous Guideline Range: 78 to 97 months Amended Guideline Range: 63 to 78 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
  - The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
  - Other (explain):

### III. ADDITIONAL COMMENTS

**It is further ordered** that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated 5/22/06 shall remain in effect.

## IT IS SO ORDERED.

Order Date: August 7, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

*F.H. Thompson*

Lacy H. Thornburg  
United States District Judge

